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C Rass III

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August 22, 2003

WRITER'S DIRECT NUMBER: (202) 772-8544 **INTERNET ADDRESS:** MCIMBALA@SKGF.COM

Art Unit 1652

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

> Re: U.S. Utility Patent Application

> > Appl. No. 09/974,973; Filed: October 12, 2001

Feedback-Resistant Pyruvate Carboxylase Gene From

Corvnebacterium

Inventor: Paul D. Hanke

Our Ref: 1533.1230001/MAC/MBT

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Form PTO-2038 Credit Card Payment Form for \$332.00 to cover: \$110.00 Extension Fee Under 37 C.F.R. § 1.136; \$222.00 Extra Claim Fee (37 C.F.R. 1.16);

2. Fee Transmittal Form (PTO/SB/17);

3. Petition For Extension of Time Under 37 C.F.R. § 1.136(a)(1);

4. Amendment and Reply Under 37 C.F.R. § 1.111, with Exhibits A-C;

5. 15 pages of Replacement Drawing Sheets;

6. 1 page of Annotated Drawing Sheet;

7. 18 pages of a paper copy of a Sequence Listing;

8. A computer readable copy of the Sequence Listing; and

9. One (1) return postcard. RECEIVED

AUG 2 9 2003

TECH CENTER 1600/2900

Sterne, Kessler, Goldstein & Fox PLLC. : 1100 New York Avenue, NW : Washington, DC 20005 : 202.371.2600 f 202.371.2540 : www.skqf.com

Commissioner for Patents August 22, 2003 Page 2

In accordance with 37 C.F.R. § 1.821(f), the paper copy of the Sequence Listing and the computer readable copy of the Sequence Listing submitted herewith are the same.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Michele A. Cimbala

Attorney for Applicant

Miles A Central

Registration No. 33,851

MAC/MBT/lam Enclosures

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FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

fant claims small entity status. See 37 CFR 1.27

MR 5 5 5003

s are required to respond to a t	don of information unless it displays a valid OMB control number.				
	Complete if Known				
Application Number	09/974,973				
Filing Date	October 12, 2001				
First Named Inventor	Paul D. Hanke				
Examiner Name	Slobodyansky, E.				
Art Unit	1652				
Attorney Docket No.	4522 4020004/MAC/MDT				

TOTAL AMOUNT OF PAYMENT (\$) 332.00							Attorney Docket No. 1533.1230001/MAC/MBT							
	METHO	D OF	PAYMENT (ch	eck all that apply)	FEE CALCULATION (continued)									
☐ Check ☐ Credit card ☐ Money Order ☐ Other** ☐ None ** Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.					Large	Entity	Sm	all En	tity		TEO.			
			Fee	Fee Fee Fee (\$) Code (\$)			Fee Description			Fee Paid				
Deposit Account Deposit Account Number 19-0036			Code				Fee Description Surcharge - late films be or oath Surcharge-late provisional tilms fee or cover sheet							
Deposit Account Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.					1051	130	2051	65	Surcharge - late film	e or oath	المرن ن			
The Commissioner is authorized to: (check all that apply)					1502	50	2052	25	Surcharge-late provisi	onal in grie	e or cover	:		
☐ Charge fee(s) indicated below ☐ Credit any over payments					1053	130	1053	130	Surcharge-late provisionsheet Non-English specificat For filling a request for	ion	4/0			
☐ Charge any additional fee(s) during the pendency of this					1812	2,520	l .	2,520	For filing a request for	ex parte res	examination			
application Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.					1804	920*	1804		Requesting publication					
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алоче-постаней исрозік ассоцік.						1805	1,840*	1805 1,840	1,840	 Requesting publication action 	of SIR after	r Examiner		
						1251	110	2251	55	Extension for reply with	hin first mon	th	110.00	
						1252	410	2252	205	Extension for reply with	hin second r	month		
FEE CALCULATION						1253	930	2253	465	Extension for reply with	hin third mor	nth		
1. BASIC FILING FEE						1254	1,450	2254	725	Extension for reply with				
Large	Entity	Small	Entity			1255	1,970	2255	985	Extension for reply with	hin fifth mon	th		
Fee Code	Fee (\$)	Fee Code	Fee	Fee Descr	iption Fee Paid	1401	320	2401	160	Notice of Appeal				
1001	750	2001	375	Utility filing	a fee	1402	320	2402	160	Filing a brief in suppor	t of an appea	al		
1002	330	2002	165	Design fili	<u> </u>	1403	280	2403	140	Request for oral hearing	ng			
1003	520	2003	260	Plant filing	fee	1451	1,510	1451	1,510	Petition to institute a p	ublic use pro	oceeding		
1004	750	2004	375	Reissue fi		1452	110	2452	55	Petition to revive - una	voidable			
1105	160	2005	80	Provisiona	al filing fee	1453	1,300	2453	650	Petition to revive - unir	ntentional			
SUBTOTAL (1) (\$) 0.00						1501	1,300	2501	650	Utility issue fee (or reis	sue)			
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE					1502	470	2502	235	Design issue fee					
Fee from Extra below Fee Paid					1503	630	2503	315	Plant issue fee					
Total Claims <u>35</u> - 32** = <u>3</u> X <u>18.00</u> = <u>54.00</u>														
Indep. Claims 6 - 4** = 2 X 84.00 = 168.00						1460	130	1460	130	Petitions to the Commi	ssioner			
Multiple Dependent						1807	50	1807	50	Processing fee under	37 CFR 1.17	' (q)		
Large Entity _i Small Entity					1806	180	1806	180	Submission of Information Disclosure Stmt					
Fee Code	Fee Fee Fee Fee Description		8021	40	8021	40	Recording each patent assignment per property (times number of properties)							
1202	18	2202	9	Claims in exces	s of 20	1809	750	2809	375					
1201	84	2201	42	•	ims in excess of 3	1		l		1.129(a))				
1203 1204	280 84	2203	140 42	Multiple depend **Reissue indep	ent claim, if not paid	1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))				
1204	04	2204	42	over original p		1801	750	2801	375	Request for Continued Examination (RCE)				
1205 18 2205 9		9		s in excess of 20	1802	900	1802 90	900	Request for expedited application	examination	of a design			
and over original patent					Other fee (specify)				application					
SUBTOTAL (2) (\$) 222.00						l								
**or number previously paid, if greater; For Reissue, see above * Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$) 110.										10.00				
SUBMITTED BY Complete (if applicable)														
Name (Print/Type) Michele A. Cimbala						Regist (Attorr	ration No ney)	0.		33,851	Telephone 202-371-2600			
Signature Muchih A. Cinhh											Date	Aug. 2	2,2003	
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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you registed to stake 12 minutes to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, O.P. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.